



United States
Office of Personnel Management

DIGEST OF SIGNIFICANT CLASSIFICATION DECISIONS AND OPINIONS

No. 5
September 1984
AR-100

Office of Merit Systems
Oversight & Effectiveness
December 1997, HRCD-4

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Note to Readers

The guidance in this issue is still applicable and useful in classifying positions in the Federal government. However, there may be references to names and addresses of organizations within the U.S. Office of Personnel Management that have changed, names of individuals no longer employed at the Office of Personnel Management, or documents such as the Federal Personnel Manual that no longer exist.

For the December 1997 HRCD-4 release, the Office of Classification Appeals and Fair Labor Standards Act Programs made minor, nonsubstantive edits to Digest issues 1 through 19. For example, acronyms and abbreviations were spelled out in many places, references to law and regulation were expanded, typographical errors were corrected, leading zeros were added to 3-digit series numbers, outdated prefaces have been deleted, and the issuance date were added to the header of each page. Because of the change from the original paper version to an electronic format, the page numbers in Digest issues 1 through 19 and other references, such as the General Schedule classification standards and Federal Wage System job grading standards, now available electronically may have changed. In issues 1 through 19, where there is a reference to a page, we either eliminated the page reference or updated the page number with the page number of the electronic version. Beginning with issue 20, pages references are to the electronic version only. Please note that pages numbers may change when a file is printed depending on the format and printer used.

The Office of Classification Appeals and Fair Labor Standards Act Programs is responsible for the content of the Digest. We be reached by telephone at 202-606-2990, by fax at 202-606-2663, or by email at ADOMSOE@OPM.GOV.

Digest issues are also available on the Office of Personnel Management's website and electronic bulletin board. The website address is <http://www.opm.gov> and the electronic bulletin board is OPM ONLINE. Using a modem, dial OPM ONLINE at 202-606-4800. Long distance telephone charges may apply.

Standards: All

Factor: N/A

Issue: Impact of the person on the job.

Identification of the Classification Issue

This issue arose in a position classification appeal decided by the Office of Personnel Management. The issue was whether or not the unusual competence of an incumbent can have a grade-enhancing impact on the classification of the position involved.

Resolution

The concept of the "impact of the man on a job" is addressed under that heading in the General Introduction, Background, and Instructions of the Position Classification Standards. This concept holds that, by virtue of exceptional competence, an incumbent may have such an impact on the duties, responsibilities, and qualification requirements of a position that it is changed to the point where its classification must also be changed. Since the position itself is changed, this change must be reflected in the official position description. The "impact of the man on the job" is reflected in classification only "*when and because it actually makes the job materially different than it otherwise would have been.*" (Emphasis in the General Introduction, Background, and Instructions of the Position-Classification Standards.)

Although in this appeal case both the appellant and his supervisor certified that the position description was accurate, the appellant argued that his unique background enabled him to perform his assigned duties *better* than anyone else. However, in terms of the proficiency of an individual, such impact is properly recognized in the performance evaluation and ratings process and through the incentive awards program.

In comparing the appellant's official position description to controlling classification standards, the Office of Personnel Management found that his duties, responsibilities, and qualification requirements did not warrant a higher grade when compared to the grade levels described in the standard. Thus, the appeal was denied.

(This item is published primarily to identify the issue and direct attention to the detailed guidance in the General Introduction, Background, and Instructions of the Position-Classification Standards.)

Standard: Financial Management Series, GS-0505

Factor: Series coverage

Issue: Whether responsibility for managing a funding program can be covered

Identification of the Classification Issue

The issue arose in a position classification appeal decided by the Office of Personnel Management. The issue was whether or not to include in the GS-0505 series a position responsible for developing procedures for control of the resources of a revolving fund, tracking the status of that fund, evaluating fund status information, and advising and assisting managers served by the fund.

Resolution

There are several stringent criteria to be met before a position can be included in this series. The basic one is that an incumbent of an included position must manage or direct a program for the management of the financial resources of an organizational entity. The appellant managed a funding program which represented only a part of the financial resources expended by any one organizational entity. His position was excluded on that basis.

Even if the funding program with which the appellant was associated did represent all of the financial resources of an organization, his position would have been excluded from the GS-0505 series because he was not responsible for maintaining accounting services. The appellant pointed out, correctly, that not all positions in the series require that the incumbent be a professionally qualified accountant. However, all positions in the series must either perform, or direct subordinates who provide accounting services.

Standard: Management Analysis

Factor: Cross-series comparison

Issue: Selection of standard for evaluation of staff-level positions in a subject-matter field

**This article was deleted in March 1992
because of the issuance of a new standard
and revision of the series definition for the
GS-343 series.**

Standards: Electronics Technician, GS-0856, and
Electronic Integrated Systems Mechanic,
WG-2610

Factor: Guidance on distinguishing between Wage
and Classification Act positions

Issue: Pay System Determination

Identification of the Classification Issue

Appellants appealed to an Office of Personnel Management Region to have position changed from Electronic Technician, GS-0856, to Wage Grade. The Region held that the work performed was very similar to that described in the job grading standard for Electronic Integrated Systems Mechanic, WG-2610. Therefore, they excluded the positions from application of the guidelines for borderline positions, stating that the positions were not sufficiently mixed and borderline to justify application of the Office of Personnel Management guidelines for such positions. The agency thereupon requested the Classification Appeals Office to overturn the Region's decision on the basis that the guidelines for borderline positions should have been applied.

Resolution

The Classification Appeals Office concluded that it was not the Office of Personnel Management's intent to categorically exclude consideration of the guidance contained in the GS-0856 Series. That guidance is provided to assist in the pay category determination of "a large body of positions" as stated under the section of the GS-0856 Series titled Distinguishing Between Prevailing Wage and Classification Act Positions.

If a position were determined to be clearly under a specific pay category, it can be expected that application of the guidance would surely result in confirmation of that determination. Indeed, paragraphs 1 and 2 of the guidance specifically describe characteristic positions in each pay category, thereby proving that the guidance can be applied generally. If it were meant to apply to only a limited number of cases precisely at the borderline, there would be no need for paragraphs 1 and 2, which characterize positions clearly in each category.

The Electronics Technician Series states that "many of the positions contain mixed functions, some of which are trade or craft in nature, and others which are properly under the Classification Act. There is no sharp line of distinction among such positions but rather a spectrum which ranges from positions which are clearly Wage Board [now Wage Grade] to positions which are clearly under the Classification Act. A large body of positions falls between these extremes with

varying combinations of characteristics of both." In short, positions which are clearly in one pay category or the other are described as to the *extremes*, while a large body fall somewhere between. Therefore, the application of the guidance provided is not narrowly restrictive, but is rather generally useful in reaching a decision.

Under the section titled Coverage of the Series in the Electronics Technician Series, one of the bases for its identification as a separate series is "the special problems resulting from the marked overlap of positions in this occupation under the Classification Act and similar trades positions." Again, the Office of Personnel Management has emphasized the recognition of the mixed General Schedule and Wage Grade nature of most positions in this occupation. Furthermore, under the section titled Distinguishing Between Prevailing Wage and Classification Act Positions, the Office of Personnel Management recognizes that even "many electronics technician positions which are unequivocally under the Classification Act (e.g., whose primary purpose is to perform subprofessional engineering work in designing, developing, and evaluating new units of electronic equipment) have, as a secondary requirement, well-developed craft-type skills in the use of hand and power tools and in wiring, construction, and assembly of components. In some positions, these trade skills are fully comparable to those of the shop mechanic. Moreover, one of the sources of recruitment to fill such technician positions is from among Wage Grade mechanics. Yet the paramount requirement is to perform subprofessional work on electronic equipment, such as design, experimental development, and evaluation." This bears reiteration. Even many "unequivocally" General Schedule Technician positions require mechanical skills, sometimes the equal of the shop mechanic. From all of the foregoing references, it is clear that mixed General Schedule and Wage Grade duties are not uncommon.

In this particular case, maintenance of equipment could not reasonably be used to exclude consideration of the positions under the General Schedule. The GS-0856 standard specifically includes maintenance as one of the functional operations performed by electronic technicians. The standard states that "career patterns and management intent should be carefully considered." The guidance states, "Although the performance of preventive and corrective equipment maintenance per SE is normally a Wage Grade function, in some positions such maintenance is an integral part of the testing, analysis, alignment and performance evaluation of complex electronic systems." In borderline cases it permits consideration of "whether the environment, career ladder, etc., are shop oriented" in reaching a determination. This point is reinforced in the Introduction to Electronic Equipment Installation and Maintenance Family, 2600, which states that "the nature of the organization (R&D [research and development], maintenance depot, etc.) may give some indication of the predominant character of the work. . ." The positions under consideration in this case were part of a maintenance engineering program which included testing, fault analysis, alignment and performance evaluation requiring a practical knowledge of electronic theories and principles. The Electronic Integrated Systems Mechanic, WG-2610, standard specifically excludes such positions from its coverage and refers to the GS-0856 standard for further guidance.

In view of the foregoing, the Classification Appeals Office concluded that it was proper to apply the Office of Personnel Management's guidance for resolution of positions which are at neither "extreme." This requires consideration of management requirements and intent for consistency, equity, and economy, as well as career patterns; job environment; required application of knowledge of and participation in operating programs, and time spent on trades and crafts functions as against Classification Act types of work. In this regard, it was observed that the positions in question did not work in a traditional equipment shop atmosphere, but rather, were under the technical leadership of professional maintenance engineers. Due to the rapidity of equipment changes, they had to possess the electronic technician's ability to "transfer a knowledge of electronics theory from equipment to equipment."

Any questions as to the proper pay category, in accordance with Office of Personnel Management's guidance, cannot and should not ignore management's requirements and intent. An ostensible similarity with a particular standard should not be permitted to automatically exclude application of the guidelines for borderline positions. The use of the guidelines in all but the most obvious of cases can only serve to enhance the accuracy of judgment.

Standard: Equal Employment Opportunity, GS-0260,
(November 1980)

Factor: N/A

Issue: Coverage of series

Identification of the Classification Issue

This issue arose in the reconsideration of a classification appeal decision issued by the Office of Personnel Management. The appellant was the Chief EEO (equal employment opportunity) Counselor at a sizeable installation. The position supervised a few full-time EEO Counselors, and technically supervised a larger number of persons who were assigned counseling duties on a collateral basis.

The original appeal decision had certified the position to the Equal Opportunity Assistant series, GS-0361. The appellant and the employing agency believed it should be classified to the Equal Employment Opportunity Series, GS-0260.

Resolution

The Equal Employment Opportunity series, GS-0260, includes positions primarily concerned with developing, administering, evaluating or advising on the Federal Government's internal EEO program within Federal agencies. These positions require knowledge of Federal EEO regulations and principles; compliance and enforcement skills; administrative management and consulting skills; and knowledge of Federal personnel administration.

The Equal Opportunity Assistance series, GS-0361, includes positions which supervise or perform technical and substantive clerical work in support of equal opportunity and civil rights programs. However, these positions do not require the broad knowledge of equal opportunity principles, nor the depth of skill in analysis, interpretation, and decision making that characterizes the GS-0260 series.

The appellant, as Chief EEO Counselor, managed the counseling and complaints program for the local installation and several field activities. This included responsibility for pre-complaint counseling, reviewing formal complaints for sufficiency, coordinating complaint processing, reviewing investigative reports and recommendations, and recommending action for adjudicating complaints. The appellant advised the head of the installation as well as lower-level managers and supervisors on the disposition of complaints and related EEO matters.

Much of the work related to complaint processing is procedural, and primarily requires knowledge of specific rules, regulations and procedures. For example, counselors make sure the correct chain of command and timetables are followed, and advise complainants of proper procedures. However, the Chief EEO Counselor also performed substantive work, such as reviewing internal regulations and instructions, developing policies and procedures for counseling and complaint processing, and advising managers on the resolution of potential EEO problems. The appellant developed long- and short-range plans, set goals and objectives, developed budget estimates to achieve these goals, and conducted orientations to increase managers' awareness of their EEO responsibilities. The appellant evaluated the effectiveness of the complaints program by reviewing trends in personnel actions and recruitment efforts, and negotiated with management officials to change employment practices that could hamper opportunities for minorities or women.

In resolving formal complaints, the appellant reviewed investigators' reports, analyzed findings and recommendations, coordinated with the Civilian Personnel Office, Staff Judge Advocate, and other office(s) concerned. The appellant recommended action to resolve the case, identified and evaluated alternatives, and prepared a proposed letter of decision or settlement. Completed cases were forwarded to the Commander for decision, but the appellant answered any questions, defended the position, and commented on counter-proposals from other officials.

These tasks were found to be classifiable to the GS-0260 series. They involve administering, evaluating and advising on an internal EEO program, and cannot effectively be accomplished by mechanical application of well-established rules, regulations and procedures. Rather, they require a knowledge of the principles and practices of equal employment opportunity and Federal personnel management, as well as of general management principles.

The initial appeal decision excluded the position from the GS-0260 series because it was concerned with only a *part* of an EEO program (discrimination complaints) rather than a total program. However, positions restricted to a complaint resolution function are not necessarily excluded from the GS-0260 occupation. Rather their inclusion or exclusion depends on the scope and depth of qualifications required to perform the duties. If such work primarily involves duties which require knowledge of Federal equal employment opportunity regulations and principles; compliance and enforcement skills; administrative, management and consulting skills; and knowledge of Federal personnel administration; then the position is classifiable to the GS-0260 series.

Standard: Support Services Administration, GS-0342
(November 1978, May 1979)

Factor: Level of responsibility

Issue: Proper credit for operating-level
organization

Identification of the Classification Issue

This issue was addressed in a reconsideration of an Office of Personnel Management appeal decision. The position was a Support Services Supervisor, GS-0342-11, in the regional office of a Federal department. The department requested that the position be upgraded to GS-12.

The classification standard for the GS-0342 series uses three classification factors: (1) Nature of Services, (2) Organizational Environment, and (3) Level of Responsibility. The appeal decision credited a total of 78 points, which is borderline between GS-11 and GS-12; and resolved the borderline situation downward to GS-11. The department agreed with the factor levels and point ratings assigned, but believed the borderline situation should be resolved upward to GS-12, because of significant strengths not credited in Factor 3.

The appeal decision had credited Factor 3 (Level of Responsibility) at Level C. The department concurred with that assessment, but noted that the position met several characteristics of Level D, even though it failed to meet the higher level in other respects. Because of these strengthening characteristics, the department believed the borderline situation should be resolved to the higher grade.

Resolution

Factor 3 consists of five fairly discrete, but interrelated, criteria: (1) Responsibility for program planning, organization and direction, (2) Guidelines, (3) Authority for instituting changes in policy, (4) Personal contacts, and (5) Personnel management responsibility. Analysis of each of these criteria was as follows:

(1) Responsibility for Program Planning, Organization and Director

Level C entails substantial responsibility for planning, organizing and directing a support services program. An employee at this level receives guidance consisting of overall objectives to be met in supporting the work of the organization. The employee keeps his or her immediate supervisor informed of progress by means of informal briefings, periodic progress reviews, or program reviews. Programs at this level are reviewed in terms of overall adequacy of support to the

organization and through budget reviews, program management reviews and audits, rather than by review of specific support service programs.

Level D involves responsibility for planning, establishing and coordinating support service programs within the broad administrative framework of an agency. The methodology employed and technical determinations made are typically accepted as authoritative. Review of the work is generally in terms of how well the support services program is integrated with the total administrative program of the agency.

The subject position was found substantially to match Level C. The position was located at a relatively small regional office; the incumbent was subject to policy statements, constraints and controls established by the department. By contrast, Level D includes *program* responsibilities in the initiation and/or administration of support services programs for an entire agency or a major segment of an agency. The fact that an employee developed "policy" for the region did not warrant crediting Degree D.

(2) Guidelines

At Level C, guidelines generally consist of basic agency policy guidelines and operating instructions for the support services function. The employee is responsible for making major adaptations or recommending new policies where agency guides are lacking or completely inappropriate.

At Level D, guidelines include the basic administrative management policies of the agency, as well as the basic orders and regulations of service agencies such as the Government Printing Office and the General Services Administration.

These two levels differ materially in the amount of originality and resourcefulness required to interpret available guidelines. Essentially, the presence or absence of operating instructions is key to these differences. To reiterate, Level C guidelines consist of basic agency policy guidelines and operating instructions *for the support service function*, whereas at Level D they include the *basic administrative management policies* of the agency and the regulations of the various service agencies. Thus, positions at Level D have staff responsibilities for developing and maintaining operating instructions consistent with basic administrative policies of the agency and functional guidelines from applicable service agencies, such as the General Services Administration.

The department noted that the appellant developed regional policy issuances relating to printing control, motor vehicle usage, annual leave while in travel status, airline travel reservations, personal property management, mail management, and telecommunications. However, the development of *regional* operations policy cannot be equated with the development of *agency* policy as discussed at Level D. The department had issued a variety of regulations and guide-lines covering policies and procedures in specific support service functions. Further, Level C explicitly

includes responsibilities for "making major adaptations or recommending new policies where agency guides are lacking or completely inappropriate."

The department further stated that the appellant's overall management responsibility for a comprehensive approach to operating a support services program falls outside the purview of any one technical area of the program. All support services supervisors have such a comprehensive approach to their programs; otherwise they would not be classified to the GS-0342 series. Such an approach does not alone enhance the credit allowable under this criterion.

(3) Authority for Instituting Changes in Policy

Level C describes an operating program in which employees have full responsibility for planning methods of approach and technical details associated with program assignments. Issues involving basic organizational policy or overall organizational goals are generally cleared with their supervisors.

Level D describes a staff type responsibility in which employees make recommendations regarding, or participate in the development of, general administrative policy and support service program policy. Their programs extend throughout an agency or a major segment of an agency. They make recommendations regarding overall budget and manpower resources utilization. They are responsible for program development and execution, and for planning and carrying out these programs.

As an operating-level supervisor, this position did not exceed Level C. The appellant was responsible for monitoring and evaluating the effectiveness and efficiency of administrative operations of the region's field elements. The region employed some 1000-1200 persons in a five-state area. However, this does not compare with the broader responsibility, typical of Level D, in making recommendations for general administrative policy and support service program policy *throughout an agency or major sub-ordinate organization*. While such functions are not specifically addressed at Level C under the "authority" criterion, careful reading of Factor 3 as a whole reveals they are entirely consistent with the overall intent of that level. For example, Level C entails substantial freedom in planning, organizing and directing the assigned program, and making major adaptations or recommending new policies where agency guides are lacking or completely inappropriate.

Perhaps more importantly, we noted the position was credited with program coordinating responsibility of subordinate organizations under element 3 of Factor 2. That element directly measures the impact of the incumbent's oversight responsibility. There is no basis for again crediting the same responsibility under Factor 3.

(4) Personal Contacts

At Level C, contacts are for such purposes as negotiating major changes in the manner in which the assigned program supports the work of the organization, and securing management cooperation in effecting these changes. Employees at this level frequently make binding commitments for their programs.

At Level D, contacts are generally with top managers of other major programs or functions within the agency, in service organizations, or in private organizations. Typically, they are for the purpose of negotiating the resolution of major problems, such as impasses among subordinate supervisors or problems with top managers in other agencies concerning common support services. Contacts may also involve the negotiation of changes in the procedures and regulations of other agencies, when they have a serious impact on the assigned program.

The appellant met on a regular basis with the Regional Administrator and Deputy Regional Administrator. These contacts were for a variety of purposes, including policy guidance and interpretation, negotiation of problem areas, and information. The incumbent occasionally contacted high level officials of other agencies, vendors, building owners and property management firms, and was a member of various interagency committees and working groups.

There is no question that the above-described contacts are responsible and important. Nonetheless, they are not equivalent to Level D. Contacts with the Regional Administrator and Deputy Regional Administrator are a normal part of supervisory controls, and are properly assessed under that criterion, rather than personal contacts. Contacts with top managers of regional offices of other agencies were relatively infrequent; the great majority of contacts were with the staff, rather than top management, of these organizations.

(5) Personnel Management

The previous decision found this criterion to match Level C. The Department did not disagree with that finding. Analysis showed that personnel management responsibility did not exceed Level C.

Findings and Conclusion

Reconsideration revealed no evidence that the subject position exceeded Level C under Factor 3 of the GS-0342 standard. Accordingly, there were no strengthening aspects that would warrant resolving the grade upward to the GS-12 level.